

## RECORD OF PROCEEDINGS

### Minutes of the Regular Meeting of the Trustees of Sycamore Township Sycamore Township, Hamilton County, Ohio

June 15, 2021

NOTE: Due to the COVID-19 pandemic and the issuance of guidelines to limit public gatherings to ten people or less by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 404) which extended the ability of local governments in Ohio to meet remotely during this time, this was a hybrid meeting, with some attendees present in the Trustee Meeting Room and some present over Zoom. Members of the public were given the opportunity to participate live in the meeting in person or remotely via Zoom. Video of the meeting was live streamed to the public on the internet.

The regular meeting was called to order at 7:00 pm. by Mr. James.

Present for the meeting were Chairman James, Vice Chairman LaBarbara, Trustee Weidman (via Zoom), Fiscal Officer Porter (via Zoom), Law Director Desai (via Zoom), Administrator Warrick, Planning & Zoning Administrator Miller, Fire Chief Penny, Lt. Tarr from the Hamilton County Sheriff's Office (via Zoom) and Beth Gunderson (via Zoom). Superintendent / Assistant Administrator Kellums was absent.

The invocation was read by Mr. Miller.

Pledge to the Flag.

#### **Approval of Electronic Signatures**

Mr. James explained the Board was doing a hybrid meeting with Board members and members of the public having the option to be physically present or join the meeting remotely. He requested approval from Board members for placing electronic signatures on documents approved at this meeting. The Board members then gave consent for their signatures to be added electronically to any documents approved at the meeting.

#### **Approval of the June 1, 2021 Trustees Meeting Minutes**

The June 1, 2021 Trustees Meeting Minutes was presented for approval. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to accept them. Mr. Porter called roll. Vote: All Aye.

#### **Public Comments**

Mr. John Abraham, of 4978 Elmcrest addressed the Board (via Zoom) stating the Township did a great job on the road work in Heitmeyer subdivision. Mr. Abraham went on to discuss activity between the Trustees and a developer named Hildebrant saying the Cincinnati Enquirer had run a story on the developer who had also made a substantial contribution to Trustee James' campaign. Mr. Abraham said Mr. Hildebrant admitted he composed a fake email used to make Trustee Weidman look dishonest and was the subject of a Channel 9 I-Team investigation. He said a normal Sycamore Township citizen would wonder why anyone would want anything to do with Mr. Hildebrant. Mr. Abraham said, in light of the fact this developer lied and led a fake email scheme against Mr. Weidman, the one thing he would like to know is if the other two Trustees or

the Administrator had any communications with Mr. Hildebrand or his company since this scheme was exposed. He asked, if so, why they would do business with this developer.

Mr. James stated he has not had any contact with Mr. Hildebrand since January, 2020 when Mr. Hildebrand provided the accusations to him, and he forwarded them to law enforcement immediately. He suggested, since Mr. Abraham is interested in the case, that he read the sworn affidavit Mr. Hildebrand filed in one of the two lawsuits as it has interesting information.

Mr. Richard Goldberg, of 8354 Jeanette Lane, Symmes Township, OH 45249, addressed the Board (via Zoom) saying he lives across the street from Sycamore Township. Mr. Goldberg discussed issues with commercial parking by Silver Spring House employees in Cincinnati Hills Christian Academy parking lot which he stated is in violation of a court order. He stated they are flagrantly disregarding the court order and referred to paragraph 4C and 4L of the court order. He stated 4C states the access gates to the parking lot must close at 9:00 p.m. each day yet there are 20-30 cars in the parking lot every night past 9:00 p.m. Mr. Goldberg said the parking lot is clearly being used for commercial use by the Silver Spring House restaurant. He questioned why Sycamore Township is not enforcing the court order or the Zoning Code with Cincinnati Hills. He said his question is will the Township enforce these violations.

Mr. James noted Mr. Goldberg made substantially the same comments at the last Trustees Meeting and asked if there has been any follow up on Mr. Goldberg's concerns.

Mr. Miller said our position remains the same; we are following the outline of the settlement agreement by requiring them to keep the gates locked. He said we are not in the position to be the parking police and we are not tracking who owns the vehicles. He said if there is a noise violation or disturbance of the peace, the residents in the area should contact the Sheriff's Office.

Mr. Goldberg said the gates are not locked and cars are in the lot after 9:00 p.m. which is a clear violation.

Mr. James asked if Mr. Goldberg had contacted the Sheriff's Office.

Mr. Goldberg stated he does not think the Sheriff's Office is going to enforce the zoning laws saying that is the Township's responsibility.

Mr. Miller said disturbance of the peace is a police action. Mr. Miller and Mr. Goldberg had continued discussion.

Mr. James asked Mr. Desai if he had any comments.

Mr. Desai said we are beyond the four-minute time limit. He then suggested Mr. Goldberg contact Mr. Warrick and Mr. Miller and sit down with them to discuss this issue. He said he disagrees that the Sheriff's Office would not enforce a court order.

Mr. Goldberg requested ten more seconds to comment. Mr. James allowed it. Mr. Goldberg said this was enforced by the Township previously and asked the Sheriff representative present in the meeting for input. He spoke about it being dangerous for Silver Spring House employees to cross Snider Road.

Mr. James stated Mr. Goldberg should reach out to Mr. Warrick to arrange a meeting.

### **Sheriff Patrol Report**

Lt. Tarr reported it was a quiet two weeks while he was on vacation, and he had nothing to report.

Mr. James suggested Lt. Tarr coordinate with Mr. Warrick about how the Sheriff's Office could work on the issues Mr. Goldberg discussed.

### **EMS/Fire Report**

#### **Fire House Restorations**

Chief Penny reported on the firehouse restoration he has been working on for both stations noting he is having a lot of difficulty with contractors getting back to them and when they do respond, the pricing is astronomical. He stated he plans to move forward with getting quotes from contractors for some of the issues at the north station noting the most expensive item would be the HVAC; he said the rest of it is not too critical. He said he will address priorities at the south station also to get by until more drastic measures can be taken when construction prices are better. Chief Penny said he will come back to the Board with quotes.

### **Roads, Maintenance & Recreation Report**

Mr. Warrick reported for Mr. Kellums stating there are two resolutions for the Board's consideration to allow him to apply for grants through the SORTA Program.

#### **Resolution – Authorizing Tracy Kellums, Assistant Township Administrator / Maintenance Superintendent, to Prepare and Submit an Application to Participate in the Transit Infrastructure Program(s) and to Execute Contracts as Required (East Galbraith Road and Miami Road Sidewalk Improvements)**

The resolution "Authorizing Tracy Kellums, Assistant Township Administrator / Maintenance Superintendent, to Prepare and Submit an Application to Participate in the Transit Infrastructure Program(s) and to Execute Contracts as Required" was presented by Mr. Warrick. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with a second reading. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-041 passed this 15<sup>th</sup> day of June, 2021.

Mr. Desai requested a motion to add an emergency clause to the resolution to meet the June 30<sup>th</sup> application deadline. Mr. LaBarbara seconded. Mr. Porter called roll. Vote: All Aye.

#### **Resolution – Authorizing Tracy Kellums, Assistant Township Administrator / Maintenance Superintendent, to Prepare and Submit an Application to Participate in the Transit Infrastructure Program(s) and to Execute Contracts as Required (Montgomery Road Sidewalk Improvements)**

The resolution "Authorizing Tracy Kellums, Assistant Township Administrator / Maintenance Superintendent, to Prepare and Submit an Application to Participate in the Transit Infrastructure Program(s) and to Execute Contracts as Required" was presented by Mr. Warrick. A motion to

approve with an emergency clause was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with a second reading. Mr. Porter called roll. Vote: All Aye.  
Resolution 2021-042 passed this 15<sup>th</sup> day of June, 2021.

Mr. James asked Mr. Desai if the Township should specifically include the words emergency in the future.

Mr. Desai answered Section 3 suspends the rule that the resolution be read on two separate days. He stated the emergency clause in lieu of Section 4 puts the resolution into immediate effect and requires a unanimous vote. He said the best thing to do is to add that clause if a deadline must be met within 30 days.

Mr. Warrick reported all the maintenance projects are going well and on schedule. He gave kudos to Sycamore Township Project Inspector Dan Durham for keeping the projects on schedule and speaking to residents to address their questions and concerns about the road projects.

Mr. James and Mr. LaBarbara both agreed and gave examples of Mr. Durham and Mr. Kellums meeting with residents about the road projects.

### **Planning & Zoning Report**

Mr. Miller reported he would like to pull the third resolution listed on the agenda as that nuisance has been abated.

### **Resolution – 4319 William Avenue Nuisance Property**

Mr. Miller reviewed the information sheet for the property located at 4319 Williams Avenue for which he had a nuisance resolution for the Board to consider. He also displayed photos of the property.

The resolution “Providing for and Authorizing Removal of Vegetation, Garbage Refuse and Other Debris and Declaring a Nuisance for the Property Located at 4319 Williams Avenue, Sycamore Township, OH 45236” was presented by Mr. Miller. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with a second reading.

Mr. James asked if this resolution should have an emergency clause.

Mr. Miller answered staff will have to post notice of the nuisance resolution on the property and by the time that goes into effect it will be fine.

Mr. James asked Mr. Desai if he had any concerns with that.

Mr. Desai answered he had no concerns.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2021-043 passed this 15<sup>th</sup> day of June, 2021.

**Resolution – 4454 Daffodil Avenue Nuisance Property**

Mr. Miller reviewed the information sheet for the property located at 4454 Daffodil Avenue which he requests be declared a nuisance and displayed photos of the property.

The resolution “Providing for and Authorizing Removal of Vegetation, Garbage Refuse and Other Debris and Declaring a Nuisance for the Property Located at 4454 Daffodil Avenue, Sycamore Township, OH 45242” was presented by Mr. Miller. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with a second reading.

Mr. James noted for the record the Board had received input from the public urging them to approve this resolution.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2021-044 passed this 15<sup>th</sup> day of June, 2021.

Mr. Miller reported Jessica Daves, Planning & Zoning Assistant, had resigned. He stated since this is a very busy time of year, after discussion with Mr. Warrick, it was decided to fill the position on a temporary basis through Robert Half Management Resources. Mr. Miller stated Angie Zammert is currently filling this role and has been training with Ms. Daves for over a week.

Mr. James and Mr. LaBarbara both praised Ms. Daves for her service to the Township.

Mr. Miller reported the new Comprehensive Plan has been vetted by the Land Use Steering Committee and will be going to Zoning Commission next month. He added the Land Use Steering Committee reviewed text amendments to the zoning resolution. He stated the text amendments have been pared down significantly and a more modest update to zoning resolution will also be going to Zoning Commission next month.

Mr. Miller reported the two cases from Zoning Commission will be heard by the Trustees before their next meeting on July 13<sup>th</sup>. He said one case is an LASR for Kenwood Towers and the other case is a Major Adjustment to a PUD for the property where the Kenwood Theatre is currently located.

Mr. James asked about a property on Kugler Mill Road which was declared a nuisance at the last meeting.

Mr. Miller answered his office had requested bids to clean the property but so far there have not been any takers. He noted the Planning & Zoning Department has reached out to the Center for Local Government for additional vendors to bid for property maintenance cleanup.

Mr. LaBarbara asked if Mr. Miller had any updates on Kugler Mill development.

Mr. Miller answered he is still waiting to hear if the developer has partnered with a new builder. He stated the developer is moving forward with groundwork.

Mr. Miller confirmed the groundwork being done is consistent with that for 11 single family homes along Kugler Mill Road and stated the berm creating a landscape barrier between the

residential and commercial properties is being moved north which is consistent with the residential PUD plan that was approved. He stated at this time no commercial work has been approved or initiated.

There was discussion about this project and difficulties due to currently high building costs.

### **Law Director Report**

Mr. Desai reported he had nothing to report this evening.

### **Administrator Report**

#### **May Financial Package**

Mr. Warrick reviewed the May Financial Report noting all is in balance since the Township made the switch over to UAN. He noted the bank balances and investments. He said there is also a snapshot of the fund balances. He said the appropriation summary shows where we stand. He said there are a handful of appropriation which, if all the purchase orders were executed, we would be over the appropriations, and we are going to ask to correct that tonight with a resolution.

Mr. Warrick reviewed the fund summary report which he said shows reserve cash in all the saying three negatives having to do with debt accounts. He stated legislation has been prepared for the Board's consideration to transfer money to reconcile payments that have been made on various debt.

Mr. Warrick explained there is one left that needs to be cleaned up next month having to do with the new maintenance building. He stated there is an open purchase order for \$1.3 million to pay the contractors working on that building.

Mr. Warrick reported the revenue summary shows revenue for the month of May and year to date. He then displayed the signature page which the State Auditor requests the Board to sign or initial to show they are seeing the financial numbers each month.

Mr. James said the packet is very helpful and he would like to sign the form after he has thoroughly reviewed the packet's information.

#### **Resolution – Amending 2021 Appropriations**

Mr. Warrick reported he has a resolution amending appropriation for the Board's consideration. He noted additional money is needed in the general fund for contracted services such as legal fees and Robert Half Management Resources, noting we now have two contractors working on a temporary basis. He stated \$400,000 will be appropriated to make it through rest of the year and a TIF for first time collected some money which we are appropriating to pay the school district. There was one TIF which did not have enough appropriated to pay the schools.

The resolution "Amending 2021 Appropriations, Dispensing with the Second Reading and Declaring an Emergency" was presented by Mr. Warrick. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called the roll. Vote: All Aye. Resolution No. 2021-045 passed this 15<sup>th</sup> day of June, 2021.

**Resolution – Authorizing and Directing a Transfer of Funds to Reconcile Budgets and Appropriations**

Mr. Warrick explained the next resolution is to allow for some transfers of funds to clean up a couple debt accounts for the Kemper Goldcoast TIF. He said this will combine the two TIF accounts to put the TIF in balance. He said the other part is to reconcile the general obligation debt service bonds which the general fund funds every year.

The resolution “Authorizing and Directing a Transfer of Funds to Reconcile Budgets and Appropriations, Dispensing with the Second Reading” was presented by Mr. Warrick. A motion was made by Mr. Weidman seconded by Mr. LaBarbara to approve the resolution.

Mr. James asked Mr. Desai if this resolution should have an emergency clause.

Mr. Desai answered no saying appropriations and transfers of funds have a different timeline.

Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2021-046 passed this 15<sup>th</sup> day of June, 2021.

**Purchase Orders Over \$5,000.00**

Mr. Warrick presented the purchase orders saying we are getting aligned with the new accounting system. He said the Department Heads are now making the decisions by completing requisitions; they know where money is coming from, and the requisitions are sent to Debbie Campbell, she hits a button and we have a purchase order.

257-2021 Bramble Mower Service    Replace PO 187-2021 for Parks     \$15,000.00

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

258-2021 Advanced Turf Solutions    Replace PO 185-2021 for Parks     \$10,000.00

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

277-2021 Donnellon & Miller     Services May 2021     \$6,854.00

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

289-2021 Gametime     Bechtold Park Playground Equipment     \$250,000.00

Mr. Warrick said this is a pass through for grant money awarded to the Township for this expense. He noted the grant money had a built-in bidding process.

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

291-2021 Stewart Land Use    Montgomery Road Redevelopment     \$16,900.00

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

293-2021 Robert Half Management Resources      Temporary Help      \$48,000.00  
Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

293-2021 Lykins Energy Solutions      Fuel      \$20,000.00  
Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

310-2021 Charlie Winburn, Treasurer      Property Taxes      \$55,000.00  
Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

311-2021 Charlie Winburn, Treasurer      Property Taxes      \$26,000.00  
Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

317-2021 Duke Energy      Utilities – Fire Department      \$20,000.00  
Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the purchase orders. Mr. Porter called roll. Vote: All Aye.

### **July Meeting Schedule**

Mr. Warrick reported the Board had agreed previously to move the July 6<sup>th</sup> meeting to July 13<sup>th</sup> and decide later about the July 20<sup>th</sup> meeting. He stated staff does not see a need for that meeting. Mr. Warrick requested a motion to cancel the July 20<sup>th</sup> meeting.

Mr. LaBarbara made a motion, seconded by Mr. Weidman, to cancel the July 20<sup>th</sup> meeting. Mr. Porter called roll. Vote: All Aye.

Mr. Warrick reported there had been some complaints about door-to-door solicitors. He noted one solicitor had been fined by the police. He said we have not been issuing transient vendor permits due to the pandemic. He asked for a motion to take down Covid restriction for door-to-door solicitors so that the Township may once again issue transient vendor permit.

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to remove the Covid restrictions for door-to-door solicitors. Mr. Porter called roll. Vote: All Aye.

Mr. James asked if it is appropriate to call the Sheriff's office about solicitors without a permit.

Mr. Warrick answered yes or call the Township first.

Mr. Weidman stated residents should call the Sheriff's non-emergency number (513-825-2280)

Lt. Tarr confirmed that saying especially in the evening hours residents should call the non-emergency dispatch number.

Mr. James asked what still needs to be done on the maintenance building.



Mr. Warrick answered they need to fix the automatic dimming lights, there are roof leak issues and the removal of the old fueling tanks is now in process. He stated the EPA inspector will be here tomorrow to take soil samples after which it will probably take five days to get those results. He said if the results are ok, they can pull the tanks out. He discussed the difficulties with working with this contractor. Mr. Warrick reported the new fuel tanks were not put in properly and water got in and they had to dispose of that fuel. He stated we are communicating with the contractor.

Mr. James said residents on Autumnwood had brought up an issue with the project and asked if that was remedied.

Mr. Warrick said he is not sure if the County Engineer has been here yet to look at the detention pond. He said we will report back to the residents once the lights are fixed.

Mr. James stated the Board had received a list of purchase orders from staff which is nice to have and could be referenced to bundle some of the purchase orders in the future.

### **Fiscal Officer Report**

#### **Pay Bills and Read Receipts**

The receipts in the amount of \$155,560.53 and disbursements in the amount of \$259,558.73 for June 15, 2021 were read by the Fiscal Officer and are hereby made a part of these minutes.

I hereby certify that the money for payment of these bills is in the fund provided and duly and properly appropriated.

Signed: \_\_\_\_\_



Robert C. Porter III, Fiscal Officer

A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara. Mr. Porter called roll. Vote: LaBarbara: Aye; James: Aye; Weidman: Aye

### **Trustee Comments**

Mr. Weidman reported he talked to Representative Bill Seitz who stated the extension of remote meetings will most likely not make it through committee, which means we will be back to in-person meetings on July 13<sup>th</sup>.

Mr. Weidman said there is now Yoga in the Park at McDaniel Park on Saturdays as well as Sunday yoga at Bechtold Park and thanked Mr. Petty for that addition. He discussed movies and music in the park this summer noting the first Movie in the Park will be Saturday, June 19<sup>th</sup> and the first Music in the Park will be Friday, June 25<sup>th</sup> with The Remains. He encouraged people to check the [website calendar](#).

Mr. Weidman thanked Foreman Mark Homan for addressing the maintenance of the railroad right of way on Blue Ash Road at Sycamore Road.

Mr. Weidman then reported the Hamilton County Township Association has secured a venue for the Saturday, September 18<sup>th</sup>, 9:00 a.m. joint meeting with the Hamilton County Municipal league. He said the meeting will be in the community room at Schuler Park.

Mr. LaBarbara reported he had received an email from about traffic concerns on Tenderfoot Lane.

Chief Penny stated he drove there today and can see if cars were parked on both sides of the street that could create a problem. He said when Mr. Kellums comes back from vacation, they will work on getting fire lane signs there along the bend.

Mr. James said Charteroak drive has similar concerns.

Mr. LaBarbara said also mentioned issues in Dillonvale due to construction.

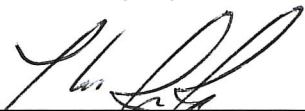
Mr. James said he is enthusiastic about *The Princess Bride* being shown at the first movie night at Bechtold Park on Saturday, June 19<sup>th</sup>. He said there will also be inexpensive band entertainment this summer. He stated he hopes for good weather, that everyone enjoys it and that the events bring in a lot of people from our community. He then thanked Mr. Weidman for setting the Hamilton County Township Association meeting.


**Announcement Changes**


Mr. James noted a Public Hearing has been scheduled for Tuesday, July 13<sup>th</sup> at 6:30 p.m. for the 2022 Tax Budget and referred people to the website calendar for other events.

A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to adjourn the meeting.  
Vote: Mr. LaBarbara: Aye; Mr. James: Aye; Mr. Weidman: No response.

The meeting adjourned at 8:04 p.m.

  
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Thomas C. James, Jr., Chairman

  
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Jim LaBarbara, Vice Chairman

  
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Thomas J. Weidman, Trustee

  
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Robert C. Porter III, Fiscal Officer  
06/15/2021